

## **7.0 Coastal Zone Consistency**

Congress enacted the Coastal Zone Management Act (CZMA) in 1972 to encourage the preservation, protection, development, and, where possible, restoration or enhancement of valuable natural coastal resources such as wetlands, floodplains, estuaries, beaches, dunes, barrier islands, and coral reefs, as well as the fish and wildlife using those habitats. Under the CZMA, coastal states have the authority to implement comprehensive coastal management programs and to conduct a consistency review for a federal action that may have a reasonable foreseeable effect to resources contained within the state's coastal zone (15 CFR 930, 15 CFR 923).

The license sought by Liberty to own, construct, and operate a deepwater port requires concurrence in a Coastal Zone Management (CZM) consistency certification (15 CFR 930.57) by the state of New York. Liberty is also seeking concurrence in a CZM consistency certification from the state of New Jersey. Liberty has provided a "Draft Statement of Compliance with the New York State Coastal Zone Management Program;" however, a formal submittal to the New York State Department of State has not been made as of the writing of this draft Environmental Impact Statement (EIS). Similarly, a submittal to the New Jersey Department of Environmental Protection (NJDEP) has not been made to date.



## **8.0 Irreversible or Irretrievable Commitment of Resources**

An irreversible or irretrievable commitment of resources refers to impacts on or losses to resources that cannot be reversed or recovered, even after an activity has ended and facilities have been decommissioned. A commitment of resources is related to use or destruction on nonrenewable resources, and the impacts that loss would have on future generations. For example, if a species becomes extinct or minerals are extracted as a result of the proposed Port Ambrose Deepwater Port (Port Ambrose Project, Port or Project), the loss would be permanent. Chronic, low-level pollution can injure and kill organisms at virtually all trophic levels. Mortality of individual organisms can be expected to occur, as well as the possibility of a reduction or the elimination of a few small or isolated populations. Liberty's construction and operation would involve the irreversible or irretrievable commitment of material resources and energy, marine area resources, and biological resources. The impacts on these resources would be permanent.

The work required to construct and operate the proposed Project would require the conversion of available fossil fuels to energy – an irreversible commitment of fossil fuels. Additionally, the completed proposed Project would irretrievably commit finite raw materials, such as steel, although some steel used might be recyclable after decommissioning. No supplies are considered scarce, and the use of these supplies would not limit other unrelated construction activities in the region.

Liberty's construction and operation would result in an irreversible or irretrievable loss of some biological resources. Irretrievable losses of seafloor habitat associated with the anchor chain sweep, landing pad and other port facilities would occur over the life of the proposed Project. Due to the removal of these features upon decommissioning, the seabottom habitat in the area would return to near-normal pre-Project conditions. Biological losses include the entrainment of fish eggs and larvae associated with ballast water intake. Irreversible losses might also include the loss of marine animals in the event of a liquefied natural gas (LNG) spill, and loss of sea turtles or marine mammals due to ship strikes.

Although the impact on archaeological resources is expected to be minor, any interaction between an impact-producing factor (e.g., placement of new structures and laying pipelines) and a significant historic shipwreck or prehistoric site could destroy information contained in site components and their spatial distribution. This could cause a permanent loss of potentially unique archaeological data. Site selection took into account the potential for archaeological resources in the area and to minimize the potential to disturb archaeological artifacts.

Deepwater Port Act of 1974 (DWPA) activities would be carried out under comprehensive, state-of-the-art, enforced regulatory procedures designed to ensure public safety and environmental protection. Nonetheless, some loss of human and animal life could result from unpredictable and unexpected acts of man and/or nature (accidents, terrorism, human error and noncompliance, and adverse weather conditions). Some normal and required operations, such as structure removal done in accordance with applicable laws and regulations, can result in the destruction of viable marine life. Although the possibility exists that individual marine mammals, sea turtles, birds, and fish could be injured or killed, these losses are unlikely to have a lasting impact on existing populations.



## **9.0 Relationship Between Short-Term Uses and Long-Term Productivity**

Short-term refers to the total duration of installations and at-sea construction of the proposed Port Ambrose Deepwater Port (Port Ambrose Project, Port or Project). Long-term refers to an infinite period following decommissioning of the proposed Project. Short-term operational activities might result in chronic impacts over a longer period. Installation and the eventual removal of new structures would cause minor, localized impacts in the short-term; impacts of site clearance and decommissioning might last longer because of minor elements that would be left in-place. Short-term use might have long-term impacts on biologically sensitive offshore areas or archaeological resources. Upon completion of the Deepwater Port Act of 1974 (DWPA) activities, the marine environment would generally be expected to remain at or return to its normal long-term productivity levels.

The proposed Project would be located in the apex of the New York Bight off the coasts of New York and New Jersey, which is an important economic area that supports commercial shipping and fishing, the Port of New York and New Jersey, recreational activities, and other uses. Construction of the proposed offshore facilities should have no impact on long-term productivity of the Outer Continental Shelf (OCS) as this area is already heavily trafficked.

No long-term productivity or environmental gains are expected as a result of the DWPA development of the OCS. Benefits of the proposed Project are expected to be principally those associated with an increase in supplies of natural gas for domestic consumption. While no reliable data exist to indicate long-term productivity losses as a result of the use of the OCS, such losses are possible.